AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. **(Original)** An antibody which binds to a "peptide consisting of the amino acid sequence represented by SEQ ID NO:1".

2. **(Original)** The antibody according to claim 1, which specifically binds to a "peptide consisting of the amino acid sequence represented by SEQ ID NO:2".

3. **(Currently Amended)** The antibody according to claim 1 ~~or 2~~, which is a monoclonal antibody.

4. **(Currently Amended)** The antibody according to ~~any one of~~ claims 1 ~~to 3~~, which belongs to the immunoglobulin subclass IgG1.

5. **(Original)** The antibody according to claim 1, which specifically binds to a "peptide consisting of the amino acid sequence represented by SEQ ID NO:3".

6. **(Currently Amended)** The antibody according to claim 1 ~~or 5~~, which is a polyclonal antibody.

7. **(Currently Amended)** A method for assaying a "peptide comprising the amino acid sequence represented by SEQ ID NO:1" in a sample, which comprises using an antibody described in ~~any one of~~ claims 1 ~~to 6~~.

8. **(Currently Amended)** The method according to claim 7, wherein said assaying of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" is carried out by steps comprising the following steps (a) and (b):

(a) bringing a solid phase into contact with a sample to thereby immobilize the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" in the sample on the solid phase; and

(b) detecting the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" immobilized on the solid phase in step (a) by using an "antibody described in ~~any one of~~ claims 1 ~~to 6~~".

9. **(Currently Amended)** The method according to claim 8, wherein the "antibody described in ~~any one of~~ claims 1 ~~to 6~~" is labeled with a label or is capable of being labeled with a label.

10. **(Currently Amended)** The method according to claim 8, wherein said detecting of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" immobilized on the solid phase is carried out by further using an "antibody which specifically binds to the antibody described in ~~any one of~~ claims 1 ~~to 6~~ and which is labeled with a label or is capable of being labeled with a label".

11. **(Currently Amended)** The method according to claim 7, wherein said assaying of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" is carried out by steps comprising the following steps (a) and (b):

(a) bringing a "solid phase on which an antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a primary antibody is immobilized", a "sample", and an "antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a secondary antibody" into contact to thereby form a sandwich complex of "the primary antibody immobilized on the solid phase–the peptide comprising the amino acid sequence represented by SEQ ID NO:1–the secondary antibody"; and

(b) detecting the sandwich complex formed in step (a).

12. **(Currently Amended)** The method according to claim 11, wherein said assaying of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" is carried out by steps comprising the following steps (a) to (c):

(a) bringing a sample into contact with a "solid phase on which an antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a primary antibody is immobilized" to thereby form a complex of "the primary antibody immobilized on the solid phase–the peptide comprising the amino acid sequence represented by SEQ ID NO:1";

(b) bringing an "antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a secondary antibody" into contact with the solid phase to thereby form a sandwich complex of "the primary antibody immobilized on the solid phase–the peptide comprising the amino acid sequence represented by SEQ ID NO:1–the secondary antibody"; and

(c) detecting the sandwich complex formed in step (b).

13. **(Currently Amended)** The method according to claim 11 ~~or 12~~, wherein the secondary antibody is labeled with a label or is capable of being labeled with a label.

14. **(Currently Amended)** The method according to claim 11 ~~or 12~~, wherein said detecting of the complex is carried out by using an "antibody which specifically binds to the secondary antibody and which is labeled with a label or is capable of being labeled with a label".

15. **(Currently Amended)** The method according to claim 7, wherein said assaying of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" is carried out by steps comprising the following steps (a) and (b):

(a) bringing a "solid phase on which a peptide consisting of the amino acid sequence represented by SEQ ID NO:1 is immobilized", a "sample", and an "antibody described in ~~any one of~~ claims 1 ~~to 6~~" into contact to thereby form a complex of "the peptide consisting of the amino acid sequence represented by SEQ ID NO:1 immobilized on the solid phase–the antibody described in ~~any one of~~ claims 1 ~~to 6~~" and a complex of "the peptide comprising the amino acid sequence represented by SEQ ID NO:1 in the sample–the antibody described in ~~any one of~~ claims 1 ~~to 6~~"; and

(b) detecting at least one of the complex of "the peptide consisting of the amino acid sequence represented by SEQ ID NO:1 immobilized on the solid phase–the antibody described in ~~any one of~~ claims 1 ~~to 6~~" and the complex of "the peptide comprising the amino acid sequence represented by SEQ ID NO:1 in the sample–the antibody according to ~~any one of~~ claims 1 ~~to 6~~".

16. **(Currently Amended)** The method according to claim 15, wherein said assaying of the "peptide comprising the amino acid sequence represented by SEQ ID NO:1" is carried out by steps comprising the following steps (a) to (c):

(a) bringing a sample into contact with an "antibody described in ~~any one of~~ claims 1 ~~to~~ ~~6~~" to thereby form a complex-A of "the peptide comprising the amino acid sequence represented by SEQ ID NO:1–the antibody described in ~~any one of~~ claims 1 ~~to 6~~";

(b) bringing a "mixture comprising the complex-A and the antibody described in ~~any one of~~ claims 1 ~~to 6~~ which does not form the complex-A" obtained in step (a) into contact with a "solid phase on which the peptide consisting of the amino acid sequence represented by SEQ ID NO:1 is immobilized" to thereby form a complex of "the peptide consisting of the amino acid sequence represented by SEQ ID NO:1 immobilized on the solid phase–the antibody described in ~~any one of~~ claims 1 ~~to 6~~"; and

(c) detecting the complex formed in step (b).

17. **(Currently Amended)** The method according to claim 15 ~~or 16~~, wherein the "antibody described in ~~any one of~~ claims 1 ~~to 6~~" is labeled with a label or is capable of being labeled with a label.

18. **(Currently Amended)** The method according to claim 15 ~~or 16~~, wherein said detecting of the complex is carried out by using an "antibody which specifically binds to the antibody according to ~~any one of~~ claims 1 ~~to 6~~ and which is labeled with a label or is capable of being labeled with a label".

19. **(Currently Amended)** The method according to ~~any one of~~ claims 7 ~~to 18~~, wherein the sample is a body fluid.

20. **(Currently Amended)** A kit for assaying a "peptide comprising the amino acid sequence represented by SEQ ID NO:1", which comprises the following components (A) and (B):

(A) a solid phase; and

(B) an antibody described in ~~any one of~~ claims 1 ~~to 6~~.

21. **(Currently Amended)** The kit according to claim 20, wherein the "antibody described in ~~any one of~~ claims 1 ~~to 6~~" is labeled with a label or is capable of being labeled with a label.

22. **(Currently Amended)** A kit for assaying a "peptide comprising the amino acid sequence represented by SEQ ID NO:1", which comprises the following components (A) and (B):

(A) a solid phase on which an antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a primary antibody is immobilized; and

(B) an antibody described in ~~any one of~~ claims 1 ~~to 6~~ as a secondary antibody.

23. **(Original)** The kit according to claim 22, wherein the secondary antibody is labeled with a label or is capable of being labeled with a label.

24. **(Currently Amended)** A kit for assaying a "peptide comprising the amino acid sequence represented by SEQ ID NO:1", which comprises the following components (A), (B) and (C):

(A) a solid phase on which a peptide consisting of the amino acid sequence represented by SEQ ID NO:1 is immobilized;

(B) an antibody described in ~~any one of~~ claims 1 ~~to 6~~; and

(C) an antibody which specifically binds to the antibody described in ~~any one of~~ claims 1 ~~to 6~~ and which is labeled with a label or is capable of being labeled with a label.

25. **(Currently Amended)** A method for detecting a bacterial pneumonia, which comprises assaying an antigen in a sample which can be detected by an "antibody described in ~~any one of~~ claims 1 ~~to 6~~" or an "antibody capable of specifically binding to CAP18" to thereby detect a bacterial pneumonia in a patient from which the sample is obtained.

26. **(Original)** The method according to claim 25, wherein the antigen in the sample is selected from the group consisting of a "peptide comprising the amino acid sequence represented by SEQ ID NO:1", a "peptide comprising the amino acid sequence represented by SEQ ID NO:2", a "peptide comprising the amino acid sequence represented by SEQ ID NO:3", and CAP18.

27. **(Original)** The method according claim 25, wherein said assaying is immunologically carried out by using an antibody selected from the group consisting of an "antibody capable of binding to a peptide consisting of the amino acid sequence represented by SEQ ID NO:1", an "antibody capable of specifically binding to a peptide consisting of the amino acid sequence represented by SEQ ID NO:2", an "antibody capable of specifically binding to a peptide consisting of the amino acid sequence represented by SEQ ID NO:3", and an "antibody capable of specifically binding to CAP18".

28. **(Original)** The method according to claim 25, wherein said detecting of a bacterial pneumonia is carried out by evaluating or monitoring the presence or absence of infection, degree or type of the bacterial pneumonia.

29. **(Currently Amended)** The method according to ~~any one of~~ claims 25 ~~to 28~~, wherein said assaying is carried out by a method described in ~~any one of~~ claims 7 ~~to 19~~.

30. **(Currently Amended)** A kit for diagnosing a bacterial pneumonia, which comprises an antibody described in ~~any one of~~ claims 1 ~~to 6~~.

31. **(Currently Amended)** The kit according to claim 30, which consists of any one of a kit described in ~~any one of~~ claims 20 ~~to 24~~.

32. **(Currently Amended)** A diagnostic agent which comprises, as an active ingredient, an antibody according to ~~any one of~~ claims 1 ~~to 6~~.